

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes and Order

HEARING DATE: April 11, 2025
JUDGE: Brett H. Ludwig
CASE NO.: 24-cv-0835
CASE NAME: Wells Fargo v. Fitzgerald et al.
MATTER: Scheduling Conference
APPEARANCES: Joel H. Spitz, Attorney for Plaintiff
Patrick Fitzgerald, *pro se* Defendant

TIME: 1:04 p.m. – 1:22 p.m.
COURTROOM DEPUTY: Julie D.

AUDIO OF THIS HEARING IS AT ECF NO. 24

The Court began with its recitation of the procedural history. It then turned to its order to show cause. (ECF No. 19.) The Court deemed the order to show cause satisfied but emphasized that when the Court orders the parties to meet and confer and make a joint filing, it expects the parties to comply. The parties must make good faith efforts to meet and confer and to submit joint filings. If the parties cannot do that, the separate filings must address all efforts made to meet and confer.

The Court then turned to the Fitzgeralds' pending motions. It denied the motion to seal without prejudice. The Fitzgeralds' filings did not include any of the documents they requested to be sealed, and the Court has no basis to decide whether sealing is appropriate. With respect to standing, the Court denied the Fitzgeralds' motion to dismiss and motion to compel proof of standing without prejudice. The Court concluded that Wells Fargo had sufficiently pled facts to support standing and, while the Fitzgeralds may take discovery on Plaintiff's standing, and then renew their motion, at this point no discovery has been requested and a motion to compel is inappropriate. The Court next denied the Fitzgeralds' motion for sanctions, concluding that Wells Fargo's alleged mislabeling of the parties in its prior briefing did not warrant sanctions. The Court also denied the request to take judicial notice without prejudice, noting that the Fitzgeralds may ask the Court to take judicial notice of specific facts at summary judgment, but their current request is premature. The Court also denied the motion in limine as premature.

The Court addressed the fact that the Fitzgeralds have still not answered the complaint and are technically in default. It ordered the Fitzgeralds file an answer on or before April 25, 2025. The Court then issued a scheduling order based on the parties' Rule 26(f) reports. Accordingly,

IT IS HEREBY ORDERED that the Court's Order to Show Cause, ECF No. 19, is **SATISFIED**.

IT IS FURTHER ORDERED that the Fitzgeralds' Motion to Seal, Motion to Dismiss for Lack of Standing, and Request for Judicial Notice, ECF No. 13, is **DENIED without prejudice**.

IT IS FURTHER ORDERED that the Fitzgeralds' Motion to Compel, ECF No. 15, is **DENIED without prejudice**.

IT IS FURTHER ORDERED that the Fitzgeralds' Motion in Limine, ECF No. 16, is **DENIED without prejudice**.

IT IS FURTHER ORDERED that the Fitzgeralds must answer the complaint on or before **April 25, 2025**.

Dated at Milwaukee, Wisconsin on April 11, 2025.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge